

9-46.000 PROGRAM FRAUD AND BRIBERY

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9-46.100 Introduction

This chapter contains Department policy on the investigation and prosecution of Federal program fraud and bribery through the use of 18 U.S.C. § 666. Congress enacted 18 U.S.C. § 666 to protect the integrity of the vast sums of money distributed through Federal programs. Section 666 is designed to facilitate the prosecution of persons who steal money or otherwise divert property or services from state and local governments or private organizations that receive large amounts of Federal funds.

The Criminal Resource Manual contains a number of articles on this area of the law

The Scope of 18 U.S.C. § 666	Criminal Resource Manual at 1001
Theft and Bribery in Federally Funded Programs	Criminal Resource Manual at 1002
Legislative History of 18 U.S.C. § 666	Criminal Resource Manual at 1003
General Elements of the Offense	Criminal Resource Manual at 1004
Embezzlement	Criminal Resource Manual at 1005
Larceny	Criminal Resource Manual at 1006
Fraud	Criminal Resource Manual at 1007
Knowing Conversion Without Authority	Criminal Resource Manual at 1008
Intentional Misapplication	Criminal Resource Manual at 1009
Knowledge	Criminal Resource Manual at 1010
Property	Criminal Resource Manual at 1011
Value	Criminal Resource Manual at 1012
Aggregation	Criminal Resource Manual at 1013
Organization Receiving Benefits Under a Federal Program	Criminal Resource Manual at 1014

9-46.110 Prosecution Policy on Program Fraud and Bribery -- Identifiable and Substantial Federal Interest

As a matter of Departmental policy, Federal prosecutors should be prepared to demonstrate that a violation of 18 U.S.C. § 666 affects a substantial and identifiable Federal interest before bringing charges. This policy ensures that Federal prosecutions will occur only when significant Federal interests are involved.

Consultation with the Fraud Section or Public Integrity Section, Criminal Division, is suggested in cases in which prosecutors doubt the degree of Federal interest. Consistent with the legislative history, prosecution under 18 U.S.C. § 666 should be limited to cases in which the Federal assistance is given pursuant to a specific statutory scheme that authorizes assistance to promote or achieve policy objectives. The statute was not intended to reach every Federal contract or every Federal disbursement.

See the Criminal Resource Manual at 1001 for a discussion of the scope of 18 U.S.C. § 666 and the Federal interest in prosecution.